

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 3:08CR098-P-A

BUFORD FLOYD,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's third motion to continue trial [20].

After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for February 23, 2009. Defense counsel requests a continuance to afford more time to prepare for trial.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from February 23, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's third motion to continue trial [15] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, April 27, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from February 23, 2009 to April 27, 2009 is excluded from Speedy Trial Act

considerations as set out above;

- (4) The deadline for filing pretrial motions is April 6, 2009; and
- (5) The deadline for submitting a plea agreement is April 13, 2009.

SO ORDERED this the 28th day of January, A.D., 2009.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE